

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

BRIAN PAUL HYDE,

Plaintiff,

v.

Case No. 19-cv-13403  
Hon. Matthew F. Leitman

JASON KASS, *et al.*,

Defendants.

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**ORDER GRANTING DEFENDANTS' MOTION TO STRIKE  
PLAINTIFF'S EXPERTS DR. MAITABH SINGH, DR. ALEXANDER  
AKHAVAN, AND DR. JOHN ANOOSHIAN (ECF No. 46)**

On April 18, 2023, the Court held a hearing over video conferencing to hear argument on Defendants' Motion to Strike Plaintiff's Experts Dr. Maitabh Singh, Dr. Alexander Akhavan and Dr. John Anooshian (ECF No. 46). For the reasons explained on the record during that hearing, Defendants' motion is **GRANTED**. Any opinion testimony or testimony concerning diagnosis, treatment, or causation from Plaintiff's Experts Dr. Maitabh Singh, Dr. Alexander Akhavan and Dr. John Anooshian shall be **EXCLUDED** because Plaintiff failed to make any disclosures for these witnesses under Federal Rule of Civil Procedure 26(a)(2)(C).<sup>1</sup> In addition, these witnesses will not be

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<sup>1</sup> The three witnesses are claimed to be Plaintiff's treating physicians. During the hearing, counsel for Plaintiff acknowledged that Plaintiff was obligated to provide disclosures for them under Rule 26(a)(2)(C) with respect to any opinion testimony that they may offer and/or with respect to testimony concerning diagnosis, treatment, and causation issues.

permitted to offer fact testimony in Plaintiff's case-in-chief because, as explained on the record, any such testimony would be cumulative of Hyde's testimony and is properly excluded under Fed. R. Evid. 403. In addition, it appears that much of the "fact" testimony that Plaintiff may seek to offer through these witnesses would bleed into testimony concerning diagnosis, treatment, and causation that should have been – but was not – disclosed under Rule 26(a)(2)(C).

**IT IS SO ORDERED.**

s/Matthew F. Leitman  
MATTHEW F. LEITMAN  
UNITED STATES DISTRICT JUDGE

Dated: April 19, 2023

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on April 19, 2023, by electronic means and/or ordinary mail.

s/Holly A. Ryan  
Case Manager  
(313) 234-5126